

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ELITE LOGISTICS SERVICES, INC.,	§	
ET AL.	§	
	§	
VS.	§	CIVIL ACTION NO. G-02-866
	§	
ATX TECHNOLOGIES, INC., ET AL.	§	

OPINION AND ORDER

Before the Court is a Report and Recommendation of the United States Magistrate Judge which recommends that “Defendant ATX Group, Inc.’s Motion to Dismiss Pursuant to Rule 12(b)(1) for Lack of Standing to Sue” be granted in part and denied in part. After four extensions of the due date for the filing of objections, the Parties in a “Notice Concerning Conditional Settlement” informed the Court that no objections would be filed.


The Court has now given this matter appropriate review under Rule 72(b) of the Federal Rules of Civil Procedure and finds that the Report and Recommendation is a well-reasoned application of the law to the facts in this case and is satisfied that there is no clear error on the face of the record. Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir.) cert denied, 419 U.S. 897 (1974) The Report and Recommendation (Instrument no. 160) is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

It is, therefore, the **ORDER** of this Court that “Defendant ATX Group, Inc.’s Motion to Dismiss Pursuant to Rule 12(b)(1) for Lack of Standing to Sue” (Instrument no. 125) is **GRANTED in part and DENIED in part**; that all claims asserted by Elite Logistic Services, Inc., and Elite Logistics, Inc., against ATX are **DISMISSED, with prejudice**; and that all claims

asserted by Harold Pace against ATX arising after August 3, 2002, are **DISMISSED with prejudice.**

It is further **ORDERED** that this matter is **RETURNED** to the United States Magistrate Judge for any and all further pretrial proceedings.

DONE at Galveston, Texas, this 9th day of July, 2007.



Samuel B. Kent
United States District Judge